

NMAC

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Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No.

Issuing agency name and address: Agency DFA code:

Contact person's name: Phone number: E-mail address:

Type of rule action: New ☐ Amendment ☒ Repeal ☐ Emergency ☐ Renumber ☐ (ALD Use) Recent filing date:

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

Amendment description (If filing an amendment): Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes ☐ No ☒ Please list attachments or Internet sites if applicable.

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Specific statutory or other authority authorizing rulemaking:

NMSA 1978 Section 16-2-7

Notice date(s): Hearing date(s): Rule adoption date: Rule effective date:

Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

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2025 JUN 12 AM 8:28

See attached 5 page document titled Statement of Reasons for Repeal and Replace of State Park Division Rule 19.5.1 NMAC and Amendment of State Parks Division Rules 19.5.2 NMAC and 19.5.6 NMAC.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Ben Shelton

Check if authority has been delegated

☒

Title:

Deputy Cabinet Secretary

Signature: (BLACK ink only OR Digital Signature)

Ben Shelton

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Shelton
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2025 JUN 12 AM 8:28

STATEMENT OF REASONS FOR REPEAL AND REPLACE OF STATE PARK DIVISION RULE 19.5.1 NMAC
AND AMENDMENT OF STATE PARKS DIVISION RULES 19.5.2 NMAC, AND 19.5.6 NMAC

This statement of reasons provides the basis upon which the Energy, Minerals and Natural Resources Department (EMNRD), State Parks Division (Division) repealed and replaced, 19.5.1 of the New Mexico Administrative Code (NMAC) General Provisions and amended 19.5.2 NMAC Visitor Provisions, and 19.5.6 NMAC Fees. This statement of reasons outlines the statutory background, process, and summary of the final version of the rule amendments and reasons for amending.

I. Statutory Authority

The Secretary is generally authorized to make and adopt rules necessary to carry out EMNRD's duties at 9-1-5(E) NMSA 1978. The Secretary is the issuing authority, unless the Secretary specifically delegates that authority in writing. EMNRD's general duties and purposes are set out at 9-5A-1 through 9-5A-7 NMSA 1978. Per 16-2-7 NMSA 1978, The secretary shall promulgate and adopt rules for each park as circumstances may demand to the end that each state park may be made as nearly self-supporting as possible. Per 16-2-7.1 NMSA 1978, the Division is required to issue passes to New Mexico (NM) resident veterans for unlimited entry into state parks or recreation areas operated by the division and unlimited use of camping areas operated by the division.

II. Process

The Division drafted proposed rule amendments based on the revised statutory mandate established by House Bill 161 adopted during the 2025 legislative session. The bill amended Section 16-2-7.1 NMSA 1978, requiring the Division to issue passes to NM resident veterans for unlimited entry into state parks or recreation areas operated by the division and unlimited use of camping areas operated by the division. The Division staff and EMNRD legal counsel drafted the proposed amendments and distributed them to the Cabinet Secretary, Director, deputy directors, bureau chiefs, and other Division staff. After receiving internal comments, the Division prepared the proposed rule amendments for notice and public comment.

Prior to the public meeting, which was held on June 10, 2025, the Division posted the proposed amendments and public hearing notice on the Division's website. The Division published notice of the rulemaking and the hearing in the Albuquerque Journal on May 6, 2025, the New Mexico Sunshine Portal on May 8, 2025 and the New Mexico Register on May 6, 2025. The Division also sent notice of the rulemaking and the hearing to stakeholders including landowning agencies or entities, other state agencies, concessionaires, outfitters, local communities near state parks, associations, and other interested parties, the Legislative Council Service, posted in the State Parks Division office and sent to the Small Business Regulatory Advisory Committee. The Division received two written comments on the proposed rulemaking.

The first comment was related to concerns that unhoused veterans would take up residence in parks with the issuance of the lifetime veteran pass. The pass is limited by the current stay limits and would prohibit this from happening.

The second comment received had multiple questions related to the amendments in 19.5.2, most of which were unrelated to the proposed amendments. The comment questions the use of NM driver's license as a verification for Active duty military annual camping passes, and we corrected the wording in the proposed rule to reference valid NM identification card rather than being specific to driver's licenses.

There were no comments significantly opposing the proposed rule amendments.

III. Language of the Replaced Rules

19.5.1 NMAC (General Provisions)

The Division repeals and replaces 19.5.1 NMAC to include a definition of active-duty military, camping, developed camping, NM resident veteran, primitive camping, and utilities.

2025 JUN 12 AM 8:29

This is an amendment to 19.5.2 NMAC, Sections 12, 13, 14, 32 through 36, and 39, effective 7/1/2025.

19.5.2.12 CAMPING:

A. Visitors may camp in parks in designated areas, provided they obtain a valid camping permit or pass. Visitors shall obtain permits or passes upon entry by paying appropriate fees. See 19.5.6 NMAC. Use of park properties and facilities between the hours of 9:00 p.m. and 6:00 a.m., or as posted by the superintendent, is camping. Check out time, the time the campsite is to be vacated, is 2:00 p.m. unless otherwise posted; however, the camping permit allows day use of the park until 9:00 p.m. or as posted by the superintendent, on the day the camping permit expires. Camping is not available at Cerrillos Hills state park, Living Desert Zoo and Gardens state park, Rio Grande Nature Center state park, Mesilla Valley Bosque state park or Smokey Bear historical park.

B. Campers shall not leave unoccupied any type of vehicle, motorized camper, trailer, tent or other sleeping unit or facility or otherwise leave a campsite unoccupied for more than 24 hours without the superintendent's prior approval. Unoccupied means the camper is not present at the campsite for more than 24 hours.

C. Campers shall always maintain campsites in a clean and sanitary condition. Campers shall clean campsites and place litter only in appropriate disposal containers.

D. Campers in areas or parks designated and posted by the superintendent as pack-in, pack-out, shall carry out supplies and solid waste or other refuse, including human bioproducts, and properly dispose of these items in appropriate waste receptacles outside of the designated area or park.

E. From October 1 through April 30 campers may reside in a park for a maximum of 14 calendar days during any 20-calendar day period unless the director extends, decreases or waives this limit. From May 1 through September 30 campers may reside in a park for a maximum of seven calendar days during any 20-calendar day period unless the director extends, decreases or waives this limit. Campers shall completely remove camping equipment and gear from the park after reaching the maximum stay limit.

F. The division shall charge fees according to the facilities provided at each campsite, as provided in 19.5.6 NMAC, regardless of whether the camper uses the facilities at the campsite. For example, camping at a site with electricity requires payment of the fee for a developed site with electrical hookup even if the camper uses no electricity.

G. Vehicles in a park between the hours of 9:00 p.m. and 6:00 a.m., or as posted by the superintendent, are individually subject to the appropriate camping fees. The division considers motor homes towing a vehicle or vehicles towing a camper a single vehicle for 19.5.2.12 NMAC's purposes.

~~[H. The division may require visitors to pay fees for their entire stay in advance (rather than daily) for weekends, holidays or special events.~~

~~—[H.]~~ H. Anchoring a boat or vessel overnight within a park constitutes camping and requires a valid camping permit or pass for the anchored boat or vessel unless the visitor has paid camping fees for the towing vehicle.

(1) Visitors may not leave anchored boats or vessels vacant for more than 24 hours without the superintendent's permission. From October 1 through April 30 anchored boats or vessels may remain within a park for a maximum of 14 calendar days during any 20-calendar day period unless the director extends, decreases or waives this limit. From May 1 through September 30 anchored boats or vessels may remain within a park for a maximum of seven calendar days during any 20-calendar day period unless the director extends, decreases or waives this limit. Visitors shall completely remove boats or vessels from the park after reaching the maximum stay limit.

(2) ~~[Subsection I]~~ Subsection H of 19.5.2.12 NMAC does not apply to boats or vessels only while they are moored overnight at concession operated facilities such as marinas or buoy lines. Boats or vessels are subject to division camping permits or passes and camping fees when moored overnight at any other location in the park. Time limits do not apply while boats or vessels are moored at the concession facilities.

[J] I. Reserved campsites shall become available to other visitors if the visitor holding the reservation does not occupy the reserved site or contact the reservations contractor or the park by ~~[4:00 p.m.]~~ 8:00 a.m. the day after the scheduled arrival date. At that time the site will be available to other visitors and reservations. The visitor holding the reservation who failed to file a cancellation is not eligible for a refund.

[19.5.2.12 NMAC - Rp, 19.5.2.12 NMAC, 1/1/2008; A, 1/1/2013; A, 5/15/2018; A, 1/1/2025; A, 7/1/2025]

19.5.2.13 USE OF FACILITIES:

A. Facilities are available on a first come, first served basis except at parks where the division has established a reservation program and a visitor has reserved the facility. Campers shall not save or reserve camping spaces for other individuals even by purchasing additional permits.

2025 JUN 12 AM 8:29

B. Visitors using a park facility shall keep it in a clean and sanitary manner and shall leave it in a clean and sanitary condition.

C. Glass containers are prohibited outside vehicles, motor homes, campers, trailers and tents within the state parks system except on established commercial premises.

D. The division has developed and designated special accessible facilities for the use of individuals with disabilities. These facilities are marked with standard ADA signage. Individuals with disabilities shall have preferential use of these facilities over other persons.

E. Visitors shall not remove water from the park for use outside the park or deposit trash generated outside the park within a park.

F. Advance reservations are required for the use of meeting rooms. Meeting rooms are not available in all parks. A person who reserves a meeting room is responsible for setting up the room, cleaning the room after use and leaving the room in the same condition it was in before use. See 19.5.6 NMAC for meeting room fees.

G. The director may designate areas within the state parks system including campsites, group shelters, group areas, cabins, yurts and lodges for use by reservation.

H. Advance reservations are required for the use of group shelters, group areas or reservation campsites. Visitors shall pay the appropriate day use or camping fees in addition to the fees for use of the facility or area. If visitors make reservations through the division's reservation system contractor, visitors shall pay the reservation processing and cancellation fees the contractor charges. The division may accept annual permits passes at reservation campsites if posted. See 19.5.6 NMAC for group shelter fees.

I. The superintendent may restrict the number or size of tents, shade or screen shelters occupying a campsite or day use site by posting the restriction or restrictions in the affected area or areas or by posting on the reservation website.

[19.5.2.13 NMAC - Rp, 19.5.2.13 NMAC, 1/1/2008; A, 12/30/2010; A, 1/1/2013; A, 5/15/2018; A, 1/1/2025; A, 7/1/2025]

19.5.2.14 PARKING:

A. Visitors shall park vehicles, camping units or trailers only in established parking areas or parking turnouts where provided. Visitors shall not park any vehicle, camping unit or trailer in a manner that blocks access, restricts traffic or inhibits the free movement of other vehicles, persons or wheelchairs. Visitors shall not leave a trailer, boat or vessel that is not attached to a vehicle in parking areas or parking turnouts for a period of more than 24 hours without prior approval of the superintendent. At the superintendent's discretion, the division may remove vehicles so parked at the owner's expense.

B. Visitors shall not park a vehicle, camping unit or trailer in a designated disabled parking space unless the visitor's vehicle has registration plates or a state-issued placard indicating disability.

C. The superintendent may restrict the number or size of vehicles, camping units or trailers occupying a campsite, day use site or parking area by posting the restriction or restrictions in the affected area or areas or by posting on the reservation website.

[19.5.2.14 NMAC - Rp, 19.5.2.14 NMAC, 1/1/2008; A, 1/1/2013; A, 1/1/2025; A, 7/1/2025]

19.5.2.32 FEES AND CHARGES:

A. Upon entering a park, visitors shall pay fees and charges in accordance with 19.5.6 NMAC. The visitor shall display applicable permits or passes in accordance with instructions provided with the permit or pass. If a visitor fails to obtain a permit or pass, state park officials may field collect fees.

B. Fees, charges and permit or pass display requirements do not apply to:

(1) government agencies or government officials or employees, including law enforcement and emergency service personnel, who are performing official duties (official duties do not include activities that do not have to occur in a park such as conferences, retreats or training);

(2) non-governmental emergency service personnel, such as private ambulance companies, who are performing their official duties;

(3) persons traveling nonstop through a park on a state or federal highway, county road, federal road or municipal road or street;

(4) on duty news media personnel who are reporting on events or activities within a park and are only in the park to report on those events or activities; or

(5) individuals or groups who are entering the park to provide volunteer services and have signed a volunteer agreement with the division or have arranged with the division to provide volunteer services.

C. Fees and charges do not apply to:

2025 JUN 12 AM 8:30

(1) division contractors, suppliers or agents or other persons providing services to a park who are not using the park or its facilities for purposes other than providing services to the park;

(2) concessionaires, concession permittees or their employees or commercial contractors, suppliers and agents who are only traveling to and from the concession and are not using the park or its facilities for personal use;

(3) persons needing to pass through a park to access private property who are only passing through the park and are not using the park or its facilities;

(4) park support group members or volunteers who have a park pass issued pursuant to Subsection D of ~~[19.5.2.36]~~ 19.5.2.39 NMAC; or

D. Visitors not subject to Subsection B of 19.5.2.32 NMAC shall display permits or passes at all times inside a park.

E. The superintendent or director may waive or reduce park fees for primary or secondary school groups, college or university groups, or other organized youth groups or for governmental entities holding such activities as trainings or other educational activities or projects, retreats or conferences at a park.

F. State park officials may issue rain checks for unused, prepaid daily camping activities or the cancellation of a group shelter reservation.

G. The division or its contractors may charge fees in addition to the appropriate use fee for reservation processing and cancellation. The contractor or state park officials shall collect the reservation fee for those park sites where the division has established a reservation program. See 19.5.6 NMAC. Visitors shall pay the reservation fee in advance with applicable fees for facilities, sites, day use, camping, electricity or other service for the total reservation period.

H. In addition to the appropriate use fees, the division may charge additional fees for special events such as concerts, festivals, etc. The additional fees shall not exceed the value of admission to the special events. [19.5.2.32 NMAC - N, 1/1/2008; 19.5.2.32 NMAC - Rn & A, 19.5.2.30 NMAC, 1/1/2013; A, 5/15/2018; A, 1/1/2025; A, 7/1/2025]

19.5.2.33 PERMITS AND CONCESSIONS: Concession-operated campgrounds do not accept division-issued permits/passes.

[19.5.2.33 NMAC - Rp, 19.5.2.28 NMAC, 1/1/2008; A, 12/30/2010; 19.5.2.33 NMAC - Rn, 19.5.2.31 NMAC, 1/1/2013; A, 1/1/2025; A, 7/1/2025]

19.5.2.34 DAY USE AND CAMPING PERMITS:

A. Day use permits.

(1) Day use permits authorize visitors to use park facilities that do not require other fees, such as meeting rooms or group shelters, from 6:00 a.m. to 9:00 p.m.; unless the superintendent has posted different hours.

(2) When purchasing the day use permit visitors shall comply with the instructions on the permit and provide, as requested, their name, address and vehicle license number as well as the date of purchase and the amount enclosed and, if applicable, their site number. Visitors shall also indicate they are visiting the park for day use.

(3) New Mexico residents are exempt from purchasing day use permits from October 1 through April 30 annually.

B. Camping permits. Visitors shall purchase camping permits to camp in a park.

(1) Subject to the availability of a campsite, camping permits authorize visitors to camp in a park.

(2) When purchasing the camping permit visitors shall comply with the instructions on the permit and provide, as requested, their name, address and vehicle license number as well as their site number, the date of purchase, the amount enclosed and length of stay and, if applicable, their annual [permit] pass number. Visitors shall also indicate they are camping.

[19.5.2.34 NMAC - N, 1/1/2008; 19.5.2.34 NMAC - Rn, 19.5.2.32 NMAC, 1/1/2013; A, 1/1/2025; A, 7/1/2025]

19.5.2.35 ANNUAL ~~[PERMITS AND]~~ PASSES:

A. Annual day use passes.

(1) Annual day use passes authorize the vehicle owner or individual to access and use the park at no additional charge during the times indicated in 19.5.2.11 NMAC. Visitors may use annual day use passes

2025 JUN 12 AM 8:30

at all parks, except at the Living Desert Zoo and Gardens state park, Rio Grande Nature Center state park, and Smokey Bear historical park.

(2) When purchasing an annual day use pass visitors shall comply with the instructions on the pass and provide their name and address.

(3) The division does not issue extra vehicle passes for annual day use passes.

(4) Annual day use passes are non-transferable to individuals not residing in the same household as the original purchaser.

(5) Non-residents may not use a resident annual day use pass.

(6) Annual day use passes that are used in violation of park rules are subject to confiscation.

B. Annual camping [permits] passes.

(1) Annual camping [permits] passes authorize the vehicle owner or individual to access and use the park at no additional charge except for utility hookups during the times indicated in 19.5.2.12 NMAC. The annual camping [permit] pass allows the visitor one sleeping unit. A motor home towing a vehicle or a vehicle towing a camping trailer is considered a sleeping unit. The visitor shall pay the per night camping fee for additional vehicles.

(2) Annual camping [permits] passes are available for:

(a) New Mexico residents as documented with a current New Mexico driver's license or other state of New Mexico, tribal, or federal issued photo identification;

(b) New Mexico residents 62 years of age or older as documented with a current New Mexico driver's license or other state of New Mexico issued photo identification;

(c) New Mexico residents with disabilities who present a New Mexico handicap motor vehicle license plate issued to them; a parking placard for mobility impaired individuals with a placard holder identification card issued to them by the taxation and revenue department, motor vehicle division if the placard was issued before June 4, 2008; a parking placard for mobility impaired individuals with the photograph of the placard holder issued to them by the taxation and revenue department, motor vehicle division if the placard was issued on June 4, 2008 or after; a New Mexico department of game and fish lifetime hunting and fishing card containing their name; or a written determination from the United States social security administration finding that they are currently eligible for social security disability benefits or supplemental security income disability benefits; ~~[or a photocopy of the award letter the United States department of veterans affairs issues indicating they have a one hundred percent service-connected disability;]~~

(d) A New Mexico resident who is active-duty military. ~~[or an honorably discharged veteran of the United States military as defined by the New Mexico department of veterans' services. Orders or other documentation (excluding military ID cards) of current active-duty service must be presented to purchase an active-duty military pass. The applicant's DD-214 must be presented to purchase a veteran pass.]~~ The applicant's common access card in addition to a valid New Mexico state identification card must be presented to purchase an active-duty military pass.

(e) all-out-of-state-residents.

(3) When purchasing an annual camping [permit] pass, visitors shall comply with the instructions on the permit pass and provide their name; address; if applicable, proof of age or residency; and the license plate number of the vehicle for which the visitor is purchasing the [permit] pass.

(4) Visitors may use annual camping [permits] passes at all parks, except at the Living Desert Zoo and Gardens state park, Rio Grande Nature Center state park, and Smokey Bear historical park.

(5) Annual camping [permits] passes are authorized for use by the person the [permit] pass is issued to as indicated on the [permit] pass receipt and are non-transferrable.

C. Annual day use passes and annual camping [permits] passes are valid from January 1 through December 31 annually. Annual day use passes and annual camping [permits] passes for the next calendar year may be purchased beginning July 1 each year. The division shall not make refunds or prorations for [permits or] passes that remain in effect for less than 12 months.

D. Visitors may obtain replacement annual camping [permits] passes and stickers by submitting a signed affidavit describing the facts of the purchase and the [permit's] pass's loss or destruction and the original [permit] pass ~~[or]~~ and proof of purchase. The division shall not issue replacement annual camping [permits] passes without proof of purchase. The division does not issue replacements for annual day use passes.

E. The division may sell gift certificates for annual day use passes and annual camping [permits] passes.

[19.5.2.35 NMAC - N, 1/1/2008; 19.5.2.35 NMAC - Rn & A, 19.5.2.33 NMAC, 1/1/2013; A, 1/1/2025; A, 7/1/2025]

19.5.2.36 **[DISABLED VETERANS] LIFETIME VETERAN PASSES:** 2025 JUN 12 AM 8:30

- A.** Disabled veterans camping passes.
- (1) A disabled veterans camping pass authorizes New Mexico resident veterans with a fifty percent or greater service-connected disability to camp at a park at no charge for three nights, consecutive or non-consecutive, within a 12-month period.
- (2) To obtain the three one-night passes, an eligible veteran shall apply with the New Mexico department of veterans services for certification that verifies the veteran's disability and residency (current address) and that the New Mexico department of veterans services forwards to the division.
- (3) Disabled veterans may obtain replacement camping passes and stickers by submitting a signed affidavit describing the facts of the issuance and loss or destruction of the pass and, if available, the original pass or proof of issuance.
- B.** Disabled veterans annual day use passes.
- (1) Disabled veterans annual day uses passes authorize New Mexico resident veterans with a permanent fifty percent or greater service-connected disability to obtain one annual day use pass at no charge for personal use only. An eligible veteran desiring more than one annual day use pass shall purchase additional annual day use passes at full price.
- (2) To obtain an annual day use pass, an eligible veteran shall apply with the New Mexico department of veterans services for certification that verifies the veteran's disability and residency (current address) and that the New Mexico department of veterans services forwards to the division.
- (3) The division does not issue replacements for disabled veterans annual day use passes.]
- A.** New Mexico resident veterans are eligible for a free lifetime veteran pass that provides the individual with unlimited entry into state parks or recreation areas operated by the division and unlimited use of camping areas operated by the division subject to restrictions outlined in 19.5.2.11 NMAC, 19.5.2.12 NMAC, and 19.5.2.13 NMAC.
- B.** To obtain a lifetime veteran pass, an eligible veteran shall apply with the New Mexico department of veterans services for certification that verifies the veteran's status and residency.
- C.** Upon certification of eligibility, the New Mexico department of veterans services will issue all lifetime veteran passes.
- D.** Lifetime veteran passes are not valid for the following fees:
- (1) central reservation system contractor's service fees;
- (2) group shelter fees;
- (3) or meeting, event and logging facility fees.

[19.5.2.36 NMAC - Rp, 19.5.2.28 NMAC, 1/1/2008; A, 12/30/2010; 19.5.2.36 NMAC - Rn, 19.5.2.34 NMAC, 1/1/2013; A, 7/1/2025]

19.5.2.39 **PARK PASSES:**

- A.** Concessionaires. The director or director designee (see Subsection R of 19.5.1.7 NMAC) [~~Q of 19.5.7 NMAC~~] may issue park passes to concessionaires, concession permittees or their employees or commercial contractors, suppliers and agents for access to and from the concession. Concessionaires, concession permittees or their employees or commercial contractors, suppliers and agents using the park, lake or facilities away from the concession premise shall pay the appropriate fees.
- B.** Contractors. The director or director designee (see Subsection R of 19.5.1.7 NMAC) [~~Q of 19.5.1.7 NMAC~~] may issue park passes to division contractors, suppliers or agents or other persons providing services to a park for access to the park. Division contractors, suppliers or agents or other persons providing services to a park using the park or its facilities for purposes other than providing services to a park shall pay the appropriate fees.
- C.** Access to private property. The director or director designee may issue park passes to persons needing to pass through a park to access private property. Persons with such park passes shall only use the park passes to travel through the park. If they use the park or its facilities they shall pay the appropriate fees.
- D.** Park support groups and volunteers. The director or director designee may issue park passes to individuals who are members of a park support group that has entered into an agreement with the department or, as provided in division policy, to volunteers who significantly contribute to the division.
- E.** Complimentary park passes. The director or director designee (see Subsection R of 19.5.1.7 NMAC) [~~Q of 19.5.1.7 NMAC~~] may issue complimentary passes as rainchecks to visitors for unused services or to resolve visitor complaints about park operation or maintenance.

2025 JUN 12 AM 8:30

F. Official use passes. The director may issue "official use only" passes to state government executive branch officials with direct oversight of the division, park advisory board members and state legislators for the performance of their official duties.

G. Advertising and promotions. To promote the parks or in exchange for advertising or promotion of parks, the director may issue free or discounted park passes or not charge fees if the director obtains the secretary's approval after the division provides the secretary with written justification showing that the issuance of park passes for promotion or advertising or not charging fees for promotional purposes provides a benefit to the division. Reduced rates for advertising must be equal to or exceed the value of the park passes the division provides in exchange for receiving the reduced rates.

[19.5.2.39 NMAC - Rn, 19.5.2.38 NMAC, 6/25/2019; A, 1/1/2025; A, 7/1/2025]